

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, November 14, 2012**  
**10 a.m.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: November 1, 2012**

**RE: Closed Session of the Board to be held on November 14, 2012**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), (e) and (f) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.

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**DECISIONS OF ADMINISTRATIVE LAW JUDGES:**

*(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)*

1. BEHNKE ENTERPRISES, INC., DBA BEHNKE ELECTRIC & SPECIALTY, 11-R3D2-2937 AND 2938
2. COAST CONCRETE & MASONRY, 11-R3D1-2293 THROUGH 2295
3. KERZE A CONSTRUCTION CORPORATION, 12-R4D1-0539 THROUGH 0541
4. PACWEST SECURITY SERVICES, 12-R3D1-0438
5. POWERS BROS MACHINE, 12-R3D5-0170
6. PRESTON PIPELINES INC., 11-R2D4-2530
7. TRAYLOR-SHEA A JOINT VENTURE, 10-R2D5-0181

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8. UNDERGROUND CONSTRUCTION COMPANY, INC., 10-R5D1-0023

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

*(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

1. A & A AEROSPACE, INC., 12-R3D5-0709
2. ABF FREIGHT SYSTEM, 12-R3D6-0925
3. ADVANCED IRON DESIGNS INC DBA ADVANCED IRON CONCEPTS,  
12-R3D1-0313
4. AEROTEK, 11-R2D4-3107
5. AG-WELD, INC., 12-R4D3-0827 THROUGH 0830
6. ALCO ENGINEERING & TOOLING CORP DBA ALCO METAL FAB, 11-R6D2-  
1753 THROUGH 1760
7. AMERICAN NONWOVENS, INC., 12-R3D6-0279 THROUGH 0282
8. ANDRE-BOUDIN BAKERIES INC., 11-R6D2-1454
9. ASLAN III PACIFIC POINTE LP, 12-R4D1-0819
10. ASSOCIATED GROUP, 12-R3D1-2041 AND 2042
11. BARRIOS FARMS, INC., 11-R2D1-2889
12. BREADMASTERS ARA-Z INC., 11-R6D2-3191 THROUGH 3200
13. BUILDING MATERIALS CONSTRUCTION SERVICES, INC., 12-R1D5-1003  
THROUGH 1004
14. CAPITAL INDUSTRIAL MAINTENANCE, INC., 09-R2D1-0710 THROUGH 0712
15. TOM CARROLL DBA CARROLL CONSTRUCTION, 12-R6D7-1856
16. CASTORO CELLARS, 12-R4D3-1181 AND 1182
17. COLUMBIA STEEL INC., 12-R6D2-1464 THROUGH 1466
18. DEL SOL FARM LABOR SERVICES, INC., 12-R2D4-1697 THROUGH 1699

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19. DEPENDABLE HIGHWAY EXPRESS, 12-R3D6-1268 THROUGH 1270
20. DYNAMIC ENTERPRISES, 11-R6D2-2691 AND 2692
21. EAGLE MARINE SERVICE, LTD., 11-R1D4-1840 THROUGH 1841
22. ENNS PACKING CO. INC., 12-R6D7-2290
23. EXPRESS EMPLOYMENT PROFESSIONALS, 12-R4D3-0171 THROUGH 0173
24. FOSTER RANCH DBA FOSTER RANCH LIMITED PARTNERSHIP, 11-R6D2-2789 THROUGH 2791
25. MARK GARDNER DBA GARDNER QUALITY LATH & PLASTER, 12-R6D7-2016 THROUGH 2019
26. GOODWILL SOUTHERN CALIFORNIA, 12-R4D3-0582
27. GRANITE CONSTRUCTION COMPANY, 11-R5D1-2280
28. KEN & MAUREEN GREGORY DBA GREGORY FARMS, 11-R2D1-2558
29. HARRIS/ARIZONA REBAR, INC., DBA HARRIS REBAR SOUTHERN CALIFORNIA, 12-R4D1-0817
30. HARVEST CONTAINER CO INC., 10-R2D5-3852
31. HARVEST CONTAINER CO INC., 12-R2D5-1320
32. HAWKINS ELECTRIC, INC DBA HAWKINS ELECTRIC, 12-R4D1-0285 AND 0286
33. HILLS CONSTRUCTION, INC., 12-R6D7-1147 AND 1148
34. HUSTEAD'S COLLISION CENTER, INC., 12-R1D4-0770
35. IRON INDUSTRIES, 11-R2D5-0804 AND 0805
36. JETT HARVEST INC., 11-R3D2-3225
37. JIMMY DIAMOND GLASS, INC., DBA DIAMOND GLASS, 09-R1D1-4004 THROUGH 4006
38. JOSEPH GALLO FARMS, 12-R2D4-1491 THROUGH 1493
39. JOSEPH J. ALBANESE, INC., 12-R1D4-2066

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40. ALI KAZEMI DBA REAL SIGNS AND LIGHTING, 11-R2D2-2402
41. KENTER CANYON FARMS, INC., 12-R4D3-0871
42. KEY ENERGY SERVICES, 08-R2D5-4120 THROUGH 4127
43. KIMBERLITE CORP. DBA CALIF. FIRE/LIFE SAFETY SYSTEMS, INC.,  
11-R2D4-3083
44. LAGUNA HONDA HOSPITAL, 12-R1D1-1103 THROUGH 1104
45. LANCO GENERAL CONTRACTOR, INC., 12-R6D1-0970 THROUGH 0971
46. LANDSCAPE DEVELOPMENT, INC., 12-R4D3-0542 THROUGH 0544
47. LA REINA MARKETS, 12-R3D1-1018 THROUGH 1021
48. LEFFLER ORCHARDS, 12-R2D4-1202
49. LEGEND BUILDERS INC., 12-R6D7-1053 AND 1054
50. LIBERTY UNION HIGH SCHOOL DISTRICT, 12-R2D2-0980
51. LICHIP FARM, INC., 12-R4D3-1757 AND 1758
52. LITTLE MADFISH, 12-R2D2-0703 THROUGH 0704
53. LOS ANGELES CITY DEPT. OF RECREATION & PARKS, 12-R4D3-0508
54. LUR INC DBA LUMAR METALS, 11-R6D2-2075 THROUGH 2077
55. MARIN RESOURCE RECOVERY CENTER, 10-R1D5-2190 AND 2191
56. MICHELS CORP DBA MICHELS PIPELINE CONSTRUCTION, 12-R2D2-1009
57. MILITARY AIRCRAFT PARTS, 12-R2D1-0426
58. RONNY & ADRIANA NAVARRO DBA NAVARRO LANDSCAPING,  
11-R2D4-3175
59. NEVADA CITY WASTE WATER TREATMENT PLANT, 12-R6D3-1467  
THROUGH 1469
60. NEVADA CO. SHERIFF'S OFFICE, 12-R2D3-1107

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61. NEW SOS ROOFING CO., 10-R1D5-3846
62. NTS, INC., 12-R4D3-0930
63. PAUL POWER CONSTRUCTION, 11-R1D4-1635 THROUGH 1638
64. PAYNE FARMS, INC., 10-R2D1-2384
65. PC BUILDERS, INC., 12-R6D7-1824 AND 1825
66. PCS SOLUTIONS, INC., 12-R3D6-0578 AND 0579
67. PFLUG PACKAGING & FULFILLMNET, INC., 12-R2D4-1154
68. PJ MAINTENANCE SERVICES INC., 12-R6D2-0030 THROUGH 0032
69. PREMIER BRAND MEATS, 10-R2D3-1892 AND 1893
70. QUALITY PAINTING AND CONSTRUCTION CO., INC., 11-R1D1-2793
71. RAMCO ENTERPRISES LP, 12-R6D7-1883
72. REDI MECHANICAL, INC., 12-R3D6-0959
73. REEVE-KNIGHT CONSTRUCTION, INC., 11-R2D2-2376
74. RESTEC CONTRACTORS, INC., 11-R1D4-2453
75. "R" HOUSE, 11-R1D5-3024
76. R.J. FAMBRINI & CO. INC., 12-R1D2-1341 AND 1342
77. RIO LINDA ELVERTA COMMUNITY WATER DISTRICT, 10-R2D1-2288  
THROUGH 2290
78. ROBERTSON INDUSTRIES, INC., 12-R3D6-0926
79. SALINAS FLC, INC., 11-R6D7-2761
80. SAN CLEMENTE WATER RECLAMATION PLANT, 12-R6D4-0764
81. SDJ ENTERPRISES INC., DBA REGAL CLEANERS, 12-R6D2-0179  
THROUGH 0181
82. SIERRA ALLOYS COMPANY, INC., 12-R6D2-0371 THROUGH 0373

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83. SIERRA PACIFIC INDUSTRIES, 12-R2D4-0117 THROUGH 0118
84. SINCERE CONSTRUCTION COMPANY, INC., 12-R1D1-1303 THROUGH 1305
85. SNAP-ON INCORPORATED DBA SNAP ON SPECIALTY TOOLS,  
12-R3D6-0505
86. SOUTHERN CONTRACTING COMPANY, 12-R3D6-0448 AND 0449
87. SOUTHLAND/TUTOR PERINI JV, 12-R5D1-0408
88. SOYFOODS OF AMERICA, INC., 11-R6D2-2579 THROUGH 2983
89. STAINLESS FIXTURES, INC., 12-R3D6-0958
90. STANDARD PACIFIC HOMES, 12-R6D7-1189
91. STEVEN HYNES AND ASSOCIATES, 12-R3D1-1022 THROUGH 1027
92. STOCKTON BUSINESS SERVICES LLC DBA EXPRESS EMPLOY,  
12-R2D4-1670 THROUGH 1672
93. STOCKTON RECYCLING, INC., 11-R2D4-2360
94. SUNSHINE PLASTICS, INC., 12-R3D6-0927 AND 0928
95. SUN VALLEY PACKING, 09-R2D5-0211 THROUGH 0214
96. SUPERIORS RAIN GUTTERS AND AWNING, INC., 11-R3D2-3087
97. TESLA MOTORS, INC., 12-R1D3-1444
98. THE DOW CHEMICAL COMPANY, INC., 12-R6D3-0473
99. THE GAINEY VINEYARD, 12-R4D3-0825 AND 0826
100. THE WINDSFORD CORP. DBA FORBES INDUSTRIES, 12-R3D6-2051  
AND 2052
101. TOP GRADE CONSTRUCTION, INC., 11-R1D2-3100 AND 3101
102. TREE SCULPTURE GROUP, 11-R1D4-2049
103. TULARE COUNTY CALIFORNIA CHILDRENS SERVICES, 12-R2D5-1203

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104. UC LOS ANGELES MEDICAL CENTER, 12-R4D1-0287 AND 0288
105. UNITED METAL PRODUCTS, INC., 12-R3D1-0527
106. UTILITY TREE SERVICE, 11-R2D1-3286
107. VERIZON, 12-R3D6-0614
108. GEORGE AND NANCY WEIS FARM, 11-R2D5-3177
109. WESTSIDE AG, INC., 11-R1D4-1976
110. WIRE MESH WEST COAST, LLC, 12-R2D4-1382 THROUGH 1384
111. YARA OF NORTH AMERICA, INC., 12-R2D4-1596 AND 1597
112. ZACKY FARMS, LLC., 09-R2D5-4052

**ORDER DISMISSING APPEAL:**

1. FERRELGAS INC – ELK GROVE SERVICE CENTER, 09-R2D1-0847 AND 0848
2. GARZA CONTRACTING, INC., 11-R2D5-2628
3. INDIAN CONSTRUCTION INC., 11-R3D5-3110
4. LUDVINA LOPEZ-HERNANDEZ DBA OLIVAS TIRES & WHEELS, 11-R6D7-1965 AND 1966
5. MORA CONSTRUCTION, 12-R6D5-1187 AND 1188
6. SAM JIN CONSTRUCTION & ARCHITECTURE, 11-R6D1-1788 THROUGH 1789
7. WAREHOUSE 2000, INC., 11-R2D5-1979 THROUGH 1986
8. WAREHOUSE 2000, INC., 11-R2D5-2406 THROUGH 2408

**ORDERS GRANTING LATE APPEAL/LEAVE TO FILE LATE APPEAL:**

1. LUIS & MIGUEL AGUIRRE DBA AGUIRRE CUTTING SERVICE, 12-R6D5-2869 THROUGH 2872
2. T & G ROOFING & ROOF REMOVAL, INC., 12-R3D1-3086 THROUGH 3088

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**ORDERS DENYING LEAVE TO FILE LATE APPEAL:**

1. NATHAN AHDOOT DBA SUMMITRIDGE BEVERLY HILLS LLC,  
12-R4D1-9154
2. BESTWAY RECYCLING CO IND., DBA LOS ANGELES RECYCLING,  
12-R4D1-9155
3. ANTONIO BUSTOS TORRES, 12-R6D2-9116

**PETITIONS FOR RECONSIDERATION:**

*(The Division of Occupational Safety & Health and the Employer each has the right to petition the Appeals Board to reconsider a decision or order of an Administrative Law Judge. The Appeals Board must decide to grant or deny each petition.)*

1. CECILEO LANDSCAPES, INC., 11-R4D3-9180
2. D & A BUILDERS, INC., 12-R1D1-9067
3. HADDADS CLEANERS LLC DBA FIVE STAR CLEANERS, 09-R2D1-2358
4. L & S CONSTRUCTION, INC., 10-R3D1-1821 & 1822
5. LUDIVINA LOPEZ-HERNANDEZ DBA OLIVAS TIRES & WHEELS, 11-R6D7-  
1965 & 1966
6. NF ROBBIE ROBINSON DBA ROBINSON'S REMODELING, REPAIR & HOME  
INSPECTION, 09-R2D1-1106

**DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):**

1. DAVEY TREE SURGERY CO., 08-R1D2-2706 THROUGH 2708
2. G.A. HIGGINS, INC., 12-R2D2-9109
3. WALGREENS CO., 11-R1D1-3201

**MATTERS PENDING RECONSIDERATION:**

*(If the Appeals Board orders reconsideration of an Order or Decision, it reviews the record and then affirms, rescinds, alters or amends the Order or Decision being reconsidered.)*

1. A-1 PROTECTIVE SERVICES, INC., 10-R1D1-1592

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2. ALLIED SALES & DISTRIBUTION, INC., 11-R6D2-0480
3. AC TRANSIT, 08-R1D4-0135
4. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
5. ARMOUR STEEL CO., INC., 08-R2D1-2649 THROUGH 2655
6. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
7. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239 THROUGH 2241
8. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445 AND 3448
9. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
10. CALIFORNIA ERECTORS, INC., 10-R1D2-2772 THROUGH 2775
11. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
12. CENTRAL VALLEY ENGINEERING & ASPHALT, INC., 08-R2D1 5001 AND 5002
13. CLARK PACIFIC PRECAST, LLC, ET AL, 09-R2D1-0282
14. COFFMAN SPECIALTIES, INC., 10-R3D3-3532
15. COMMERCIAL METAL FORMING, 09-R3D1-1592
16. COMMUNITY RECONSTRUCTION SOLUTIONS, INC., 11-R1D1-1484
17. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
18. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
19. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
20. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
21. DENIO'S ROSEVILLE FARMERS MARKET & AUCTION INC. 11-R2D1-2431
22. DISTRIBUTION CENTER MANAGEMENT GROUP (DCMG), 11-R3D3-2896
23. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS,

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09-R6D2-2325 THROUGH 2332

24. EZ MIX, INC., 08-R4D3-1898
25. GRANITE ROCK COMPANY, 08-R1D3-3675 THROUGH 3687
26. HOME DEPOT, 10-R3D6-3284
27. HYDRO-SCIENCE OPERATIONS INC., 10-R1D2-0389
28. IN THE POCKET, INC. DBA BRENTWOOD BOWL, 11-R1D3-2272
29. IRWIN INDUSTRIES, 08-R6D4-1454
30. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
31. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
32. LION RAISINS, INC., 08-R2D5-2253 AND 2254
33. M1 CONSTRUCTION, INC., 12-R4D1-0222 AND 0223
34. MARINE TERMINALS, 08-R6D2-1920
35. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
36. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
37. ORANGE COUNTY FIRE AUTHORITY, 10-R3D1-3667
38. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
39. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
40. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE  
CONTRACTING, INC., 08-R2D1-0025 AND 0026
41. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
42. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
43. SDCCD – CONTINUING EDUCATION N C CENTER, 11-R3D2-1196
44. SDUSD – PATRICK HENRY HIGH SCHOOL, 11-R3D2-1296 AND 1297
45. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055

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46. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
47. SMUD, 08-R2D1-4887 THROUGH 4889
48. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414 THROUGH 3418
49. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
50. SUNRISE GROWERES FROZUN FOODS, 09-R4D3-2850
51. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
52. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 10-R5D1-3029
53. VAN EVERY CONSTRUCTION, INC., 11-R1D4-0936 AND 0937

**LEGISLATION:**

**PENDING LITIGATION:**

*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

**SUPERIOR COURT:**

1. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
2. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
3. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
4. WPCS INTERNATIONAL SUI SUN CITY, INC., 34-2010-80000430 (09- 9280/9281)
5. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047 (07-R5D1-3611)
6. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, 34-2010-80000640 (08-R2D1-0027 THROUGH 0030)

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7. SMUD, 34-2010-80000723 (08-R2D1-4887)
8. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
9. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
10. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965 (10-0188~0191)
11. GUILLAUME GRAPEVINE NURSERY, INC., 34-2011-800001010 (08-R2D1-3273)
12. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459 THROUGH 2461)
13. FLATIRON CONSTRUCTION CORP, 34-2012-800001029 (10-R4D1-2789)
14. HOLLANDER HOME FASHION, BS-135444 (10-R4D2-3704)
15. SECA EQUIPMENT REMOVAL & DISMANTLING, INC., 12CV01039 (07-R2D3-0275)
16. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
17. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
18. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
19. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
20. SHERWOOD MECHANICAL, INC., 37-2012-00101466 (08-R3D2-4690 ~ 4693)
21. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
22. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
23. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
24. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
25. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
26. PRESTON PIPELINES, INC., 34-8012-80001277 (09-R6D7-3345)

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**PERSONNEL:** *(Issues regarding staff.)*

Any matter not completed at this Closed Session may be continued to subsequent meetings.